

Case 1:12-cv-00224-JAP-KBM

Document 228

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FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
APR 30 2015 AM 9:53

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANTONIO GALLEGOS, KRISTIAN PETTINE, AND ANDRE GALLEGOS

PLAINTIFFS

V.

CITY OF ESPANOLA, a municipal corporation
JOE MARTINEZ, individually and in his official capacity;
JEREMY APODACA, individually and in his official capacity;
ROBERT VIGIL, individually and in his official capacity;
CITY OF ESPANOLA OFFICERS and SUPERVISORS JOHN DOES 1 THROUGH
10, individually and in their official capacities,

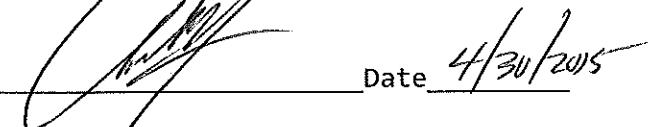
Defendants.

RESPONSE BY PLAINTIFF ANTONIO GALLEGOS TO DEFENDANTS' THIRD MOTION FOR SUMMARY
JUDGMENT AGAINST PLAINTIFF ANTONIO GALLEGOS

I, Antonio B Gallegos acting pro se am asking the Court to deny the Defendants' Motion for Summary Judgment against me on Qualified Grounds. May I remind the Court that a similar motion filed August 29, 2014 by the Defendants was DENIED by Judge C. LeRoy Hansen on Document 153 filed on 10/30/14.

On page 5 of the motion under DEFENDANTS' STATEMENT OF UNDIPUTED MATERIAL FACTS the building in this incidence is referred to as "house" and it is not a house it actually is a business office and has been for more than ten years. There is a bedroom in the office where we sleep once in a while when we feel a need for security for the business. Therefore all these statements that there are guns in the house is wrong. A 22 caliber rifle is sometimes kept there for night time security. PAGE 4 I deny Material Fact No.18 and No27, they are absolutely not true.I agree with ADMITTED FACTS NO. 10 thru 17 on page 4. On page 6 I deny no 6, 7, and no. 8, this is not what happened. Referring to Exhibit 1 on page 9 I testified Defendant Vigil approaching me from behind and cuffed one arm and tried to rub my face into the stuccoed exterior wall. I did not resist. I committed no crime and yet I arrested and taced even when I was cuffed. The Defendants arrested me and my family, left our business office open, turned the reception area into a mess, papers on the floor and my bill fold thrown on the floor. Officer Vigil took my drivers license and when I went to pick it up at the police station he had not turned it in. For one week he had it in his shirt pocket, he happened to walk in when we were meeting with the Police Chief and the Chief asked Vigil about the drivers license and he just pulled it out of his shirt pocket.In Exhibit 6 Chief Martinez does not know who wrote a supplemental report and reading this report one see the Department is run

poorly. I deny sentence 6,7,8,9,10 on page 6 because that is not how it happened. There were false charges made against me and my wife and son; some charges came several days after the false arrests of me and my family. All the false charges were dropped by the courts. The fact remains that our civil rights were violated as stated on Document 4 filed on 3/26/12. As the Court well knows that I am making this response pro se and not being an attorney will not try to create pages and pages filled with untruths and hearsay. I am still actively seeking legal counsel. I respectfully ask the Court to deny the DEFENDANTS THIRD MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFF ANTONIO GALLEGOS.


Date

4/30/2015

Antonio B Gallegos #302813
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